

03/27/2002 23:34 9373258634

HAMPTON INN

PAGE 01

FROM :Office Of Technology Transfer FAX NO. :4105167811

Mar. 27 2002 03:17PM P2/4

03-27-02 14:08

From: WHITMAN CURTIS CHRISTOFFERSON PC

+7037874774

T-012 P.02/04 P-700



Doclet:

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below near to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**USE OF GENE PRODUCT OF ADENOVIRUS EARLY REGION 4 ORF-6 TO INHIBIT REPAIR OF DOUBLE-STRAND BREAKS IN DNA**

the specification of which:

(check one)

☐ is attached hereto☒ was filed on July 13, 2001

as Application Serial No. 09/004,698

and was amended by preliminary amendment filed concurrently herewith.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

priority  
Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(a) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status: patented, pending, abandoned)

60/218,498

Jul 14, 2000

Inactive provisional

and any continuation applications thereof currently pending.

**Power of Attorney:** As a named inventor, I hereby appoint Michael E. Whitham, Reg. No. 32,835, Marshall M. Curtis, Reg. No. 33,138, Clyde R. Christofferson, Reg. No. 34,138, and C. Lamont Whitham, Reg. No. 22,424, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to Whitham, Curtis & Christofferson, P.C., 11481 Sunset Hills Road, Suite 340, Reston, Virginia 20190. All telephone calls should be directed to Michael E. Whitham at 703-787-9400.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

02/27/2002 09:34 9373260624

HAMPTON INN

PAGE 02

FROM :Office Of Technology Transfer FAX NO. :4105167811

Mar. 27 2002 03:17PM P3/4

03-27-02 14:10

FROM:RUTHAN CURTIS CHRISTOPHERSON PC

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T-812 P.09/04 P-700

Docket:

Full Name of Sole GARY KATZInventor's Signature [Signature]

Date

3/27/02Residence 10905 Shadow Lane, Columbia, Maryland 21044Citizenship United StatesPost Office Address Same as above

## Title 37, Code of Federal Regulations, § 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.